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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,109	10/04/2000	Lewis D. Dodrill	CIS00-2413	1822

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EXAMINER

HAN, QI

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,109

Applicant(s)

DODRILL ET AL.

Examiner

Qi Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the length of the abstract is over 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 29 and 32 are rejected under 35 U.S.C. 101 because:

Regarding claim 29, the claimed invention is directed to non-functional descriptive material. The claim recites “a resource identifier suitable for ..., comprising a text portion generated from a body of text; and an identity of a resource capable of ...”, wherein the “resource identifier” is treated as a pure data because it is mere arrangement or compilations of fact or data, without any functional and structural interrelationship to any hardware and/or software functionality, so that it is non-functional descriptive material. Therefore, it lacks patentable utility. Even through the data or portion of the data are described with different intention for use, such as “a resource identifier **suitable for use** in requesting text-to-audio conversion over a network” and “an identity of a resource **capable of** covering the text portion to an audio format”, it does not change the nature that the claimed resource identifier is merely pure data, which is directed to a non-functional descriptive material.

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Regarding claim 32, the claimed invention is directed to non-functional descriptive material. The claim recites “a computer data propagated signal embodied in a propagated medium, ..., comprising a text portion generated from a body of text; and an identity of a resource capable of ...”. Since signal is nonstatutory natural phenomena, *O’RillyV. Morse* 56 U.S. (15 How.)62.112-14(1853), the claimed subject matter is not patentable. Even through, the claim includes other limitation(s), including intention of use “capable of converting ...”, it does not change the nature of the claimed subject matter being a signal, which is directed to non-functional descriptive material.

5. To expedite a complete examination of the instant application the claims rejection under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, 7-10, 12-13,15, 17, 19-20, 22-23, 25, 27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 2001/0047260 A1) hereinafter referenced as Walker, in view of Sarukkai (US 2002/0052747 A1).

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Regarding **claim 1**, Walker discloses a communication system as a voice portal platform, comprising:

a first executable resource (Fig. 1 and paragraphs 22-23, combination of 'voice application 16', 'text data sources 14' and 'text-to-speech (TTS) resource manager 18', which is interpreted as a first executable resource); and

a second executable resource (Fig. 1 and paragraphs 23, combination of 'a text-to-speech (TTS) resource manager 18 and a TTS engine farm 20', which is interpreted as a second executable resource), wherein:

the first executable resource generates text portions from the body of text in response to receiving an initial request to convert the body of text to speech (Fig. 1 and paragraphs 22-23, 'understanding the audible text request (initial request)', 'in response to this request, voice application 16 accesses text data sources 14 to find a text document', 'text-to-speech (TTS) resource manager 18');

the first executable resource provides an output in response to generating the text portions, the output comprising a sequence of resource identifiers suitable for use in the text-to-speech conversion of the text portions, each of the resource identifiers comprising a corresponding one of the text portions and an identity of a resource capable of performing the text-to-speech conversion, (Figs. 1-2 and paragraphs 23-27, 'dividing the requested text ... into a plurality of segments (text portions)', 'dividing processor 26 associates a sequence identifier with each text segment' and 'distributes (output) the first segment, the corresponding sequence identifier #1, ... to TTS engine 22a (identity of a resource)');

the second executable resource receives a text portion the request that requests the conversion of at least one text portion to an audio format, the text portion request comprising the at least one text portion and one of the resource identifiers, (Figs. 1-2 and paragraph 28, 'Upon TTS engines 22 (the second executable resource) receiving a text segment the TTS converts or synthesizes the text segment into a speech segment', 'TTS engine 22a converts the first text segment into a first speech segment and associates sequence identifier #1'); and

the second executable resource provides at least one media file suitable for audio output based on the text portion request (Figs. 1-2 and paragraph 29, 'TTS engine provides the speech segment (audio output) ... to a streaming buffer 24' that transmits the speech segments ... over network communication lines' ; paragraph 3, 'a typical TTS engine produces an audio or speech file').

Even though, Walker discloses that text data sources may include the Internet or email, Walker does not expressly disclose the request being a "web request". However, this feature is well known in the art as evidenced by Sarukkai who discloses method and system of interpreting and presenting web content using a voice browser (Title), comprising that a user's request for a page is processed by the voice browser and an HTTP request (herein equivalent to web request) is made to a backend server (Fig. 1 and paragraphs 12 and 35), integrating with content database 103 and speech synthesis servers 108 and other devices (Fig. 1 and paragraph 30) that may be used as a voice portal (paragraph 31), and providing functionality of streaming audio files referenced by URI's or local files (paragraph 49). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Walker by specifically

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providing HTTP requests (web request) and a voice browser for presenting web content from web servers, as taught by Sarukkai, for the purpose of offering more marketable feature for the user, such as using HTTP protocol for request, since HTTP (web) request is most popular protocol for accessing information for the Internet.

In addition, it is noted that herein, the claimed “suitable for ...” and “capable of performing ...” are not positive limitations, so that no patentable weight is given for these limitations, and the same or similar limitation will be treated in the same way hereinafter.

Regarding **claim 3**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites same or similar limitation(s) as claim 1.

Regarding **claim 5**, it recites a server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 7** (depending on claim 5), Walker in view of Sarukkai further discloses the executable resource provides the resource identifiers in a prescribed sequence based on respective positions of the text portions in the body of text, (Walker: Fig. 1 and paragraph 25, ‘the sequence identifiers indicate the proper order (position) of the text segments (portions) in the text’).

Regarding **claim 8**, it recites a method. The rejection is based on the same reason described for claim 5, because the claim recites same or similar limitation(s) as claim 5.

Regarding **claim 9** (depending on claim 8), Walker in view of Sarukkai further discloses receiving an initial request for a text-to-audio conversion of the body of text, wherein the step of generating the text portions comprises generating the text portions in response to the step of receiving the initial request, (Walker: Figs. 1-2 and paragraph 23,

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‘transmits a request (initial request) for information to voice application 16’, ‘in response to this request, voice application 16 accesses text data sources 14 to find a text document’; paragraph 25, ‘dividing the requested text from voice application 16 into a plurality of segments (text portions)’).

Regarding **claim 10** (depending on claim 8), Walker in view of Sarukkai further discloses generating each text portion in a manner suitable for inclusion in a hypertext transport protocol (HTTP) request, (Walker: Figs. 1-2 and paragraph 23, ‘in response to this request, voice application 16 accesses text data sources 14 to find a text document’; paragraph 25, ‘dividing the requested text from voice application 16 into a plurality of segments (text portions)’; Sarukkai: Fig. 1 and paragraph 35, ‘voice browser 101 sends ... an HTTP request to a backend server’).

Regarding **claim 12** (depending on claim 8), the rejection is based on the same reason described for claim 7, because the claim recites same or similar limitation(s) as claim 7.

Regarding **claim 13**, it recites a server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 15**, it recites a computer product. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 17**, it recites a text-to-audio server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

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Regarding **claim 19** (depending on claim 17), Walker in view of Sarukkai further discloses that the response comprises media files suitable for the audio output, (Walker: paragraph 29, 'TTS engine provides the speech segment (audio output) ... to a streaming buffer 24' that transmits the speech segments ... over network communication lines'; paragraph 3, 'a typical TTS engine produces an audio or speech file'; Sarukkai: paragraph 49, 'provide functionality of streaming audio files referenced by URI's').

Regarding **claim 20**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 22** (depending on claim 20), the rejection is based on the same reason described for claim 19, because the claim recites same or similar limitation(s) as claim 19.

Regarding **claim 23**, it recites a text-to-audio server. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 25**, it recites a computer program product. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

Regarding **claim 27**, it recites a method. The rejection is based on the same reason described for claim 1, because the claim recites (or includes) same or similar limitation(s) as claim 1.

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Regarding **claim 29**, as best understood in view of rejection under 35 USC 101 (see above), it recites a resource identifier. The rejection is based on the same reason described for claim 1, because the claim includes same or similar limitation(s) as claim 1.

Regarding **claim 30** (depending on claim 29), Walker in view of Sarukkai further discloses that the text portion comprises character strings suitable for conversion to the audio format, (Walker: paragraph 22, 'written text such as email, news' that inherently include character strings).

Regarding **claim 31** (depending on claim 29), Walker in view of Sarukkai further discloses that the identity of the resource is a hypertext transport protocol (HTTP) address of the resource, (Walker: paragraphs 12 and 35, 'an HTTP request is made to a backend server', 'voice browser sends ... an HTTP request', wherein HTTP address is inherently included in the request).

Regarding **claim 32**, as best understood in view of rejection under 35 USC 101 (see above), it recites a computer data propagated signal. The rejection is based on the same reason described for claims 29 and 31, because the claim includes same or similar limitation(s) as claims 29 and 31.

5. Claims 2, 4, 6, 11, 14, 16, 18, 21, 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Sarukkai, and further in view of Alpdemir (US 6,658,389 B1).

Regarding **claim 2** (depending on claim 1), Walker in view of Sarukkai further discloses:

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the first executable resource generates the text portions in response to receiving an initial hypertext transport protocol (HTTP) request to convert the body of text to speech (Walker: Fig. 1 and paragraphs 22-23, 'understanding the audible text request (initial request0', 'in response to this request, voice application 16 accesses text data sources 14 to find a text document', 'text-to-speech (TTS) resource manager 18'; Sarukkai: paragraph 12, 'an HTTP request is made');

the first executable resource provides a markup language page comprising uniform resource locators (URL's), wherein each URL comprises a text character string suitable for conversion to the audio format and an HTTP address of the resource (Walker: Fig. 1 and paragraphs 22-23, 'in response to this request, voice application 16 accesses text data sources 14 to find a text document'; Sarukkai: paragraphs 12-13, 'an HTTP request is made', 'encoding each XML (extensible markup language)'; paragraph 46, 'interpreter contexts 403 of Fig. 4 is created for each page of a requested document'(interpreted as text character string), including 'the Universal Resource identifier' that suggests using URL);

the second executable resource receives at least one HTTP request comprising at least one of the URLs (Figs. 1-2 and paragraph 28, 'TTS engines 22 (the second executable resource) receiving a text segment'; Sarukkai: paragraphs 12-13, 'an HTTP request is made'; paragraph 46, 'interpreter contexts 403 of Fig. 4 is created for each page of a requested document', 'the Universal Resource identifier' that suggests using URL).

Even though Walker in view of Sarukkai discloses using XML (extensible markup language for the web page, as stated above, Walker in view of Sarukkai does not

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expressly discloses using “hypertext markup language (HTML) page”. However, this feature is well known in the art as evidenced by Alpdemir who discloses speech server using a text-to-speech conversion engine, comprising using Hypertext Markup Language (HTML) pages (column 4, lines 16-32). Therefore, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Walker in view of Sarukkai by specifically providing Hypertext Markup Language (HTML) pages, as taught by Alpdemir, for the purpose of taking advantages of standard data and information format and protocol for the system (Alpdemir: column 4, lines 35-36).

Regarding **claim 4** (depending on claim 3), the rejection is based on the same reason described for claim 2, because the claim recites same or similar limitation(s) as claim 2.

Regarding **claim 6** (depending on claim 5), the rejection is based on the same reason described for claim 2, because the claim recites (or includes) same or similar limitation(s) as claim 2.

Regarding **claims 11** (depending on claim 8), **14** (depending on claim 13), **16** (depending on claim 15), **18** (depending on claim 17), **21** (depending on claim 20), **24** (depending on claim 23) and **26** (depending on claim 25), the rejection is based on the same reason described for claim 6, because the claims respectively recite same or similar limitation(s) as claim 6.

Regarding **claim 28** (depending on claim 27), the rejection is based on the same reason described for claim 2, because the claim recites (or includes) same or similar limitation(s) as claim 2.

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Conclusion

6. Any response to this office action should be mailed to:
Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA22313-1450
or faxed to:

(703)-872-9314

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor
(Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I Han whose telephone numbers is (703) 305-5631. The examiner can normally be reached on Monday through Thursday from 9am to 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richmond Dorvil, can be reached on (703) 305-6954.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

QH/qh

August 3, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER